

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Sabetsky	Confirmation No.:	3029
Appl. No.:	10/792,376	Group Art Unit:	1654
Filed:	March 4, 2004	Examiner:	R. Niebauer
For:	ORAL INSULIN COMPOSITION AND METHODS OF MAKING AND USING THEREOF		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

This is in response to the Office Action dated August 5, 2009, in which the Examiner has required restriction between the alleged species of insulin, specifically natural human insulin, recombinant human insulin, extracted bovine insulin, extracted porcine insulin, recombinant bovine insulin, and recombinant porcine insulin. Applicant hereby provisionally elects recombinant human insulin and expressly reserves the right to request consideration of additional species. Claim 27-37, 41, 43-45, 47, 49, and 51 read upon the elected species.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/ryan w. cagle/

Ryan W. Cagle  
Registration No. 47,468

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

*ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE ON December 30, 2009.*